

ADVISORY OPINION 94-011

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

June 30, 1994

Mr. Joe Norsworthy  
United Automobile-Aerospace-Agricultural  
Implement Workers of America (UAW)  
3rd and 4th Areas of Kentucky  
3835 Fitzgerald Road  
Louisville, Kentucky 40216-5235

Dear Mr. Norsworthy:

Thank you for contacting the Registry. Also thank you for speaking with me by phone on Wednesday and Thursday, June 22 and 23, 1994. Based on the information you have provided, the facts to your question can be stated as follows:

You represent United Auto Workers Union (UAW), and UAW has a Kentucky political arm (permanent committee) which is registered with the Registry of Election Finance as "SAC."

The Jefferson County Democratic Executive Committee is sponsoring a Wendell Ford fundraising dinner. The dinner will allow candidates and other political entities to advertise by purchasing table space and program advertising.

Based on the facts you have provided, your question can be stated as follows:

May SAC purchase advertising at the Jefferson County Democratic Executive Committee Wendell Ford fundraising dinner?

The short answer to your question is no. Any expenditures made by SAC in this context would be political contributions to a state party executive committee or its subdivision. See KRS 121.150(11). By statute, a PAC is limited to a per annum contribution of \$2,500 to a state political party and its subdivisions. See enclosed AO 93-001, and see KRS 446.010(26).

KRS 121.175 and its interpretive regulation, 32 KAR 2:200, deal with "Allowable campaign expenditures." Id. While a permanent committee is included within and affected by these laws, in this particular instance, SAC can gain no advertising value by purchasing tickets or program advertisements at the Wendell Ford fundraising dinner in question. Therefore, any expenditure made by SAC in this context is a contribution.

As noted above, political action committees in Kentucky may contribute \$2,500 per annum to a state political party and its subdivisions. Therefore, any expenditures SAC makes in connection with the Wendell Ford fundraising dinner must be made within the \$2,500 per annum limit. You stated that SAC has already made a \$500 contribution to one political subdivision of the State Democratic Party in 1994. Therefore, SAC could spend no more than \$2,000 in connection with the Wendell Ford fundraising dinner.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/db